

REMARKS

Claims 1-16 are currently pending in this application. In the Office Action, the Examiner rejects Claims 1-16 under 35 U.S.C. § 102(e) as anticipated by U.S. Patent Application No. US 2002/0046346 A1 to Evans (the “Evans reference”). Applicant respectfully addresses the disposition of each claim below.

Claims 1, 6 and 12

The Examiner rejects Claims 1, 6 and 12 as anticipated, under § 102(e), over the Evans reference.

Claim 1 of the present invention requires “a report generation module, the report generation module in communication with the database for producing reports from the patient test data.” The Examiner suggests that the Evans reference discloses the “report generation module” of the present invention and cites to Figure 12, item 204 and paragraphs [0015], [0017], [0010] and [0047] of the Evans reference for support. Applicant disagrees.

There is no support in the citations provided by the Examiner or in any other part of the Evans reference that discloses a “report generation module”, as required by Claim 1. The Evans reference, at the very most, discloses a system which allows: (1) “enhanced analysis of patient data by providing *access* to reference databases for diagnosis, procedures and medication” (Evans [0010], p. 2)(emphasis added); (2) “*communicat[ion] with a reference database* 104 to assist a healthcare provider in making diagnosis, prescribing medications and administering treatments” (Evans [0047])(emphasis added); (3) “*communicat[ion] with an external source having an interface* to an electronic medical records system” (Evans [0017])(emphasis added); and (4) “*use[s] progress notes* 144 to

summarize details of the patient's condition and to review the patient's progress over time" (Evans [0050], p. 4)(emphasis added).

The Evans reference merely discloses a point of care system where a user can "enter, access, process, analyze and annotate data from patient records in real-time" while it is presented graphically "using a tabbed layout" that organizes the patient data. (Evans [0047] and [0051]). The Evans reference, in other words, discloses a system that graphically interfaces several sources of data and organizes the data onto a user-accessible visual medium. The Evans reference does not disclose a report generation module in communication with the database for *producing reports from the patient test data* (itself), as required by Claim 1 of the present invention.

In light of the foregoing, it is clear that the Evans reference does not disclose, teach or suggest all elements of Claim 1 of the present invention. A similar argument exists for Claim 6 which requires "a code segment generating a report of the test performed from the patient test data." Likewise, an argument also exists for Claim 12 which requires "generating a report of the test performed from the patient test data". Applicant, therefore, requests reconsideration of the §102(e) rejection and allowance of the application as originally filed.

Applicant traverses other arguments made in the Office Action. Applicant respectfully submits that throughout the Office Action, the Examiner misinterprets elements and fails to show that the Evans reference reads on the claims of the present application. For example, Claim 1 of the present invention requires a "data collection module, the data collection module in communication with the database and being configured to collect and store patient test data, patient information, and healthcare provider information". The

Examiner suggests, *inter alia*, that the legacy data system 106 and data interface 204 read on the “data collection module” of Claim 1. (See Office Action, p. 3). Applicant disagrees.

The Evans reference discloses a legacy data system which converts physical data into electronic format. (Evans [0047], [0070] and Claim 8, p. 9). The Evans reference further discloses a data interface that permits communication with external sources to obtain patient data. (Evans, p. 5, [0058] and p. 6, [0062-0063]). The Examiner has not cited a reference within the Evans reference that discloses, teaches or suggests a database configured to collect and store patient test data, patient information and health care provider information, as required by Claim 1 of the present invention.

Applicant, accordingly submits that the Evans reference does not anticipate all elements of Claim 1. Claim 1 is thus patentably distinguishable over the Evans reference and is allowable. Applicant respectfully requests reconsideration and allowance of Claim 1.

Applicant similarly submits that Claim 6 is also patentably distinguishable over the Evans reference. For example, the Examiner has not cited a reference within the Evans reference that discloses, teaches or suggests a *code segment for generating a report of the test performed from the patient test data*, as required by Claim 6 of the present invention. Applicant therefore respectfully requests reconsideration and allowance of Claim 6.

Applicant further submits that Claim 12 is also patentably distinguishable over the Evans reference. For example, the Examiner has not cited a reference within the Evans reference that discloses, teaches or suggests *generating a report of the test performed from the patient test data*, as required by Claim 12 of the present invention. Applicant therefore respectfully requests reconsideration and allowance of Claim 12.

Claims 2-5, 7-11 and 13-16

The Examiner rejects Claims 2-5, 7-11 and 13-16 as anticipated, under § 102(e), over the Evans reference.

Claims 2-5 depend from allowable Claim 1 and provides, at least, claim differentiation. Moreover, Claim 3 has been amended to emphasize that the report generation module produces reports from selected patient test data. Claims 2-5 are thus allowable. Applicant respectfully requests reconsideration and allowance of Claims 2-5

Claims 7-11 depend from allowable Claim 6 and provides, at least, claim differentiation. Claims 7-11 are thus allowable. Applicant respectfully requests reconsideration and allowance of Claims 7-11.

Claims 13-16 depend from allowable Claim 12 and provides, at least, claim differentiation. Claims 13-16 are thus allowable. Applicant respectfully requests reconsideration and allowance of Claims 13-16.

Drawings

In the Office Action, the Examiner requires that the Applicant furnish formal drawings with this Response. Pursuant to a conference call with Examiner Jean M. Corrielus on Wednesday December 24, 2003, Examiner will defer requiring formal drawings until the Examiner deems that there is allowable subject matter.

CONCLUSION

In light of the foregoing, Applicant respectfully submits that the application is in allowable form. It is believed that no additional fees are due at this time. If this is incorrect, Applicant hereby authorizes the commissioner to charge any fees, other than the issue fees, that may be required by this paper to Deposit Account No. 07-0153. The Examiner is respectfully requested to call the undersigned for any reason that would advance the current application to issue. Please reference Attorney Docket No.: 119862-1000.

Respectfully submitted,



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